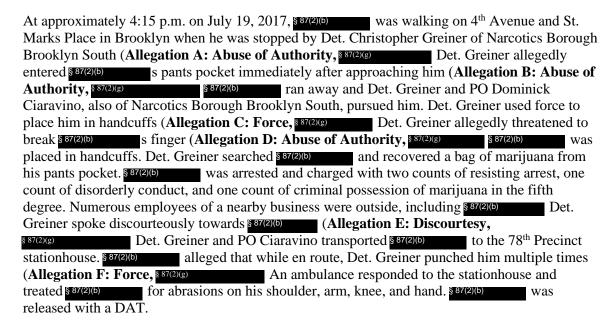
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	V	Discourt.	□ U.S.
Nora Chanko		Squad #3	201706063	_	Abuse		O.L.	✓ Injury
Tiora Chanko		Squau 113	201700003		House	Ш	O.L.	V Injury
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO SOL
Wednesday, 07/19/2017 4:15 PM		St. Marks Place and 4th to 78th Precinct station			78 1/19/2019 1/19/2019			
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CC	RB
Wed, 07/19/2017 10:15 PM		IAB	Phone		Tue, 07/25	5/201′	7 10:04 AM	1
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. DT3 Christophe Greiner	01425	930271	NARCBBS					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Dominick Ciaravino	03681	950211	NARCBBS					
Officer(s)	Allegatio	on			Inve	estiga	ator Recor	nmendation
A.DT3 Christophe Greiner		On 4th Avenue and St. Me Christopher Greiner ste		lyn,				
B.DT3 Christophe Greiner		On 4th Avenue and St. Me Christopher Greiner se		lyn,				
C.DT3 Christophe Greiner		n 4th Avenue and St. M. e Christopher Greiner us			st			
D.DT3 Christophe Greiner	Detective	On 4th Avenue and St. M. e Christopher Greiner thuse of force.		lyn,				
E.DT3 Christophe Greiner	Brooklyn	esy: On 4th Avenue and a, Detective Christopher ously to ^{§ 87(2)(b)}						
F.DT3 Christophe Greiner		n route to the 78th Preciner Greiner used physica			ive			

Case Summary

On July 19, 2017, Sgt. Natalie Breier of the 78th Precinct called IAB to report that force was used against serce during an arrest. The CCRB received this complaint on July 25, 2017, via IAB Log #17-28029.



Video footage was obtained and can be found at 01 Board Review. As the video does not contain any FADO allegations, it is not discussed in the analysis.

Findings and Recommendations

Allegation (A) Abuse of Authority: On 4th Avenue and St. Marks Place in Brooklyn,

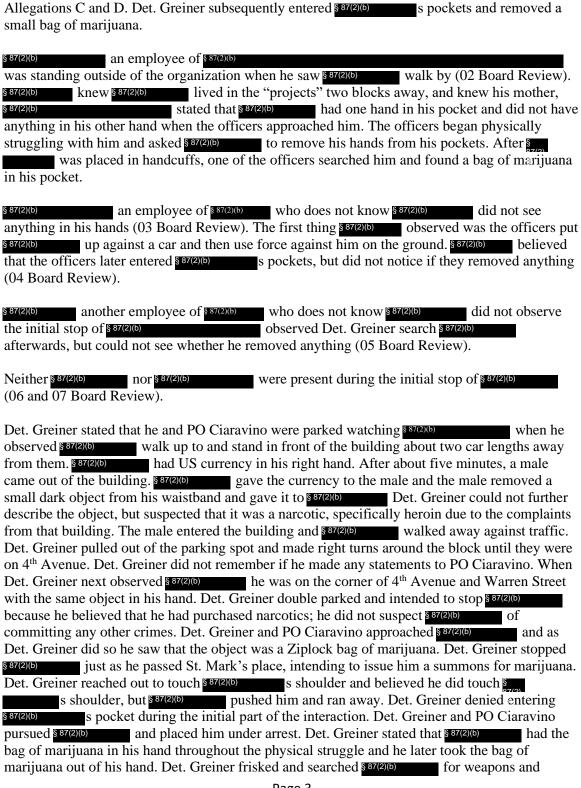
Detective Christopher Greiner stopped § 87(2)(b)

Allegation (B) Abuse of Authority: On 4th Avenue and St. Marks Place in Brooklyn,

Detective Christopher Greiner searched § 87(2)(b)

At approximately 4:15 p.m., \$87(2)(b) left his grandmother's apartment at \$87(2)(b)
to go to a deli on 4 th Avenue. §87(2)(b) had several items in the pockets of his shorts,
including a bag of marijuana in his left pocket. \$87(2)(b) did not take the marijuana out while
walking to the store, and he stated that it was not visible from outside of his pocket. §87(2)(b)
was alone and did not interact with anyone. While walking on 4 th Avenue, just after crossing St.
Mark's Place, Det. Greiner approached \$87(2)(b) put his hand on his shoulder, and put his
other hand into §87(2)(b) s right pants pocket. Neither Det. Greiner nor §87(2)(b) had said
anything to each other, and as Det. Greiner was in plain clothes and \$87(2)(b) did not see a
badge, he did not know Det. Greiner was an officer. § 87(2)(g)
Det. Greiner and PO
Ciaravino pursued \$87(2)(b) and placed him in handcuffs using force, as discussed under

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book entries, nor the arrest report he prepared note the hand-to hand transaction (08 and 09 Board Review). PO Ciaravino said that while he and Det. Greiner were driving, Det. Greiner said something that implied that there was a crime committed and they had to drive around the block to talk to a male, though PO Ciaravino had not observed anything himself. PO Ciaravino did not know what specifically Det. Greiner said, but he understood that Det. Greiner had observed a hand-to-hand transaction. They drove around the block and Det. Greiner said something like, "That's him," when they saw § 87(2)(b) did not have anything in his hands. Det. Greiner and PO Ciaravino got out of the car and when Det. Greiner approached \$87(2)(6) he pushed Det. Greiner and started running. PO Ciaravino did not recall Det. Greiner entering \$87(2)(b) pocket before he was handcuffed. §87(2)(b) was apprehended and placed in handcuffs, and Det. Greiner then searched him and recovered a small ziplock bag of marijuana from his pocket. PO Ciaravino's memo book entries note that \$87(2)(b) was observed with a ziplock bag of marijuana in plain view in his hand, but he stated that he never observed §87(2)(6) marijuana in plain view, Det. Greiner merely told him that he had made that observation (10 Board Review). PO Ciaravino's memo book entries do not note the hand-to-hand transaction. An officer may stop a person who they reasonably suspect has committed, is committing, or is about to commit a crime (People v. De Bour, 40 N.Y.2d 210) (11 Board Review).

contraband after he was handcuffed, and did not recover anything. Neither Det. Greiner's memo

Allegation (C) Force: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner used physical force against \$\frac{87(2)(b)}{2}\$
Allegation (D) Abuse of Authority: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner threatened \$\frac{87(2)(b)}{2}\$ with the use of force.

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It is undisputed that after \$87(2)(b) fled, PO Ciaravino and Det. Greiner pursued him, and all three struggled on the ground. It is also undisputed that \$87(2)(b) resisted arrest, and that Det. Greiner used force against \$87(2)(b) to place him in handcuffs.
stated that while the officers were attempting to handcuff him, he held his left hand under his body. Det. Greiner bent \$87(2)(6) s left pinky finger back and pressed it down. Det. Greiner then threatened to break \$87(2)(6) s pinky finger if he did not let them arrest him. \$27(2)(6) stopped resisting and was placed in handcuffs.
stated that PO Ciaravino and Det. Greiner lifted \$87(2)(b) s arms and tried to bend them to place \$87(2)(b) in handcuffs. The officers did not do anything else. \$87(2)(b) did not hear the officers threaten the male or talk about any force they would use if he continued to resist. \$87(2)(b) said that the officers did not say anything during the struggle, other than telling him to put his hands behind his back and telling him to "make it easy."
described the officers "jumping" on \$87(2)(b) and wrestling with him. \$87(2)(b) could not get up close because there was a crowd, but said that the officers "probably" threatened the male. \$87(2)(b) similarly described the officers twisting \$87(2)(b) s arms to place him in handcuffs, and did not hear the officers say anything or threaten to break his pinky finger.
During the struggle, Det. Greiner had his hands on \$87(2)(b) s arm and tried to put it behind his back. Det. Greiner told \$87(2)(b) to stop resisting but did not say anything else, and did not tell him about further action he could take, and denied threatening him with force or making the alleged threat. Det. Greiner did not recall whether he bent \$87(2)(b) s pinky back, and denied intentionally inflicting pain on \$87(2)(b)
PO Ciaravino stated that Det. Greiner assisted him in the handcuffing by trying to put s arms behind his back. PO Ciaravino did not recall Det. Greiner taking any other actions, or bending and pressing 887(2)(b) s pinky finger back. PO Ciaravino denied that Det. Greiner told 887(2)(b) about any additional force, or threatened to break his pinky finger.
The force guidelines in Patrol Guide Procedure 221-01 allow officers to use only the reasonable force necessary to gain control or custody of a subject (13 Board Review).
§ 87(2)(b), § 87(2)(g)

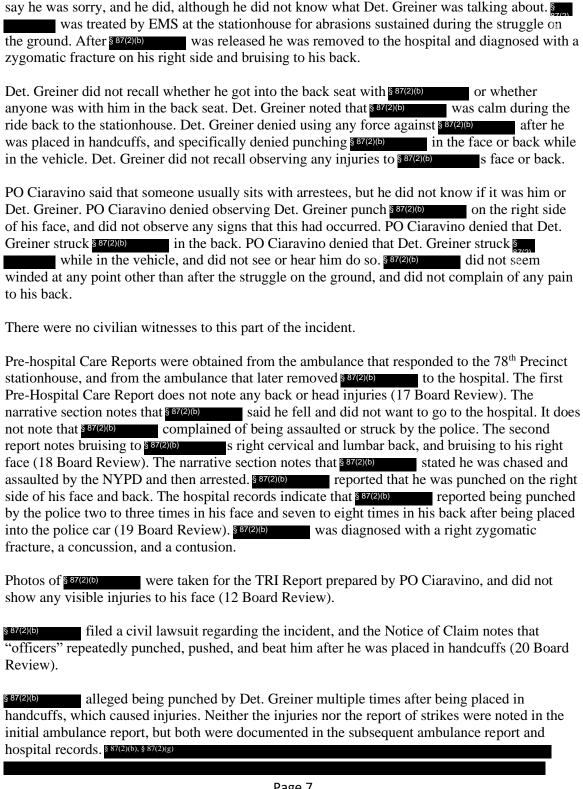
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Allegation (E) Discourtesy: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner spoke discourteously to \$87(2)(b) After \$87(2)(b) was handcuffed, \$87(2)(b) asked the officers where they were taking him, and they said they were taking him to jail. \$87(2)(b) asked the officers what they were doing, and Det. Greiner said, "Go back to Idaho," which \$87(2)(b) interpreted as meaning that he was naïve or foolish. Det. Greiner did not make any additional similar statements. Later in the interview, § 87(2)(b) said that Det. Greiner made a statement about "going back to Iowa." In his phone statements prior to his CCRB interview, \$37(2)(b) also alternated between whether Det. Greiner told him to go back to Idaho or Iowa, but said he thought it was Iowa (14 and 15 Board Review). stated that after \$87(2)(b) came outside and started asking the officers what they were doing, Det. Greiner started "talking smack" to \$87(2)(b) and specifically said, "Who are you? Go back where you came from. Go back to Oklahoma." Neither \$87(2)(b) nor \$87(2)(b) mentioned witnessing this interaction between Det. Greiner and § 87(2)(b) Det. Greiner did not recall if he interacted with any civilians nearby during the incident, and after being shown a photo of \$87(2)(6) did not recognize him and did not recall having any interaction with him. Det. Greiner denied making the statement, "Go back to Idaho," and denied telling § 87(2)(b) to go back to any other state. PO Ciaravino did not recognize a photo of \$87(2)(b) and did not know of Det. Greiner having any significant interaction with anyone in the nearby crowd. PO Ciaravino denied that Det. Greiner made the alleged statement, and to his knowledge, Det. Greiner did not tell anyone to go back to any other state. Allegation (F) Force: En route to the 78th Precinct stationhouse, Detective Christopher

Greiner used physical force against § 87(2)(b)

stated that after he was placed under arrest, he got into the back seat of the officer's vehicle and Det. Greiner got in next to him. PO Ciaravino drove a few blocks and then double parked. They had not been having any conversation in the vehicle. Det. Greiner punched in the face near his right eye and cheek bone. §87(2)(b) moved forward, turned away, and tried to block himself but his hands were handcuffed behind his back. Det. Greiner punched his back 10 to 12 times with two closed fists. This knocked the breath out of and PO Ciaravino asked § 87(2)(b) if he was okay. Det. Greiner told § 87(2)(b)

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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) has been a party (22 Board Review).
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- This is the first CCRB complaint to which §87(2)(b) has been a party (24 Board Review).
- Det. Greiner has been a member-of-service for 15 years and has been a subject in 14 CCRB complaints and 44 allegations, of which 10 were substantiated:
 - Case 201206160 involved substantiated allegations of refusal to provide name/shield number, discourtesy (word) and stop. The Board recommended charges and the NYPD declined to prosecute.
 - Case 201408412 involved substantiated allegations of stop. The Board recommended Command Discipline B, the NYPD recommended Command Discipline A, and the NYPD declined to prosecute. § 87(4-5)
 - Case 201500715 involved substantiated allegations of gun pointed, vehicle stop, vehicle search, discourtesy, frisk, and search. The Board recommended Command Discipline B for each allegation, as did the NYPD. Command Discipline B was imposed by the NYPD for the gun pointed allegation, and declined to prosecute for the remainder of the allegations. §87(4-5)
 - Oper. Greiner was alleged to have taken similar actions previously. In case 201012265, Det. Greiner allegedly punched a civilian in the ribs while in the back seat of a police vehicle after arresting him for a marijuana-related offense.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), §87(2)(0) has no history of convictions in New York City (25 Board Review).
- filed a Notice of Claim with the City of New York claiming assault, battery, false imprisonment, malicious prosecution, intentional infliction of emotional distress, negligent infliction of emotional distress, outrageous conduct giving rise to personal injuries, prima facie tort, and a violation of civil rights, and seeking \$5,000,000 as redress

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 $(20 \ Board \ Review)$. A request for 50H Hearing information was submitted and will be added to the case file upon receipt.

Squad No.: 3			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	 Date

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